

CITY OF HAYWARD AGENDA REPORT

AGENDA DATE 05/21/02
AGENDA ITEM 5
WORK SESSION ITEM

TO:

Mayor and City Council

FROM:

Director of Community and Economic Development

SUBJECT:

Appeal of Planning Commission's Approval of Use Permit/Variance PL-2002-0025 - COMMPRE (Appellant), Hani Haddad (Applicant/Owner) - Request for New Off-Sale Alcoholic Beverage Outlet located less than 500 Feet from another Outlet - The Property is Located at 230 Jackson Street (State Route 92)

in the Neighborhood Commercial (CN) District

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution finding that the project is categorically exempt from environmental review, denying the appeal and approving the project, subject to the attached findings and conditions of approval.

DISCUSSION:

Crossroads World Market carries an assortment of food products from 30 different countries and cultures and is seeking a use permit and variance to allow it to carry specialty imported wines and beers to complement its unique line of ethnic foods. Less than 1 percent of the store's floor area would be devoted to the specialty beer and wine area, and no chilled beer or wine would be sold. The store hours are 10 am to 7 pm Monday through Saturday, and 10 am to 5 pm on Sunday.

The Zoning Ordinance requires a use permit for new off-sale alcoholic beverage outlets with the exception of specified establishments (large retailers, restaurants and special event functions). It does not allow new off-sale outlets within 500 feet of any other alcoholic beverage outlets with the exception of the specified establishments. Because there are two off-sale alcoholic beverage outlets within 500 feet of Crossroads World Market, approval of a variance is required. The two off-sale alcoholic beverage outlets are located on the southerly side of Jackson Street across the street from Crossroads World Market. West Coast Meat Market, 147 Jackson Street, offers a limited selection of grocery items, including beer and wine, to supplement its sales of meat. Country Liquors, 201 Jackson Street, has a general off-sale permit. In addition, West Lake Restaurant, 320 Jackson Street, is located easterly of the market and serves beer and wine as part of its food service and is an exempted establishment.

The location of the store on the north side of Jackson Street/State Route 92 creates a unique situation. The width of the highway and its median, along with the speed and volume of traffic, effectively creates a boundary between the neighborhoods on either side of the highway. The north side of Jackson functions as part of the Burbank neighborhood whereas the south side functions as part of the Jackson Triangle neighborhood. In terms of the relationship of the market to the businesses on the northerly side of Jackson Street, there are no off-sale alcoholic beverage outlets on this side of

Jackson Street. Both off-sale outlets within 500 feet are located across Jackson Street and serve the eastbound traffic and the neighborhoods to the south.

The State Department of Alcoholic Beverage Control (ABC) has determined that there is an over-concentration of off-sale liquor licenses in the census tract in which this property lies. Its records indicate that there are nine off-sale licenses (includes restaurants) operating where four licenses would be considered appropriate for the population. This census tract extends from the northerly side of Jackson Street to a portion of Sunset Boulevard, and between BART to the east and the Union Pacific Railroad tracks to the west.

At its March 28, 2002, meeting, the Planning Commission (4:1) approved the use permit and variance application. Planning Commissioners who supported the project pointed to the uniqueness of the business, the limitations on the sales (restricted hours, limited display area, and no window advertising), that in actuality there is only one other liquor store in the area (other outlets being a meat market and restaurants), the fact that Jackson Street separates businesses on either side of the street such that the effective separation between liquor stores exceeds 500 feet, and that the use would support multi-culturalism. The dissenting Planning Commissioner said that approval would be inconsistent with the Planning Commission's previous actions on similar applications (El Tapatio at A and Grand Streets, and a former Korean market at Foothill Boulevard and Russell Way) and that the store could thrive without alcohol sales.

At the Planning Commission hearing, five individuals, including a member of the *Hayward Citizens* for Responsible Liquor Outlets, spoke in support of the project. Some of the individuals pointed out that there are no similar establishments in Hayward and that one must travel to the peninsula to find similar merchandise. A representative of COMMPRE asked that the Planning Commission deny the application based on the over concentration of off-site liquor establishments in the census tract in which this property is located.

In its appeal letter, COMMPRE contends that the Planning Commission's approval action was discriminatory in that the application for alcohol sales is similar to that of El Tapatio, which the Planning Commission and the City Council denied. They also indicated that there is an overconcentration of establishments that sell liquor in the area.

In staff's opinion, this application differs significantly from that of El Tapatio in that the products offered at Crossroads World Market are different from any other in Hayward and are available at only a handful of locations in the Bay Area, whereas there are two other markets similar on A Street similar to El Tapatio already with off-sale liquor licenses. The Police Department reported a high number of service calls related to public consumption of alcohol and public drunkenness in the vicinity of El Tapatio and none associated with the liquor stores surrounding Crossroads World Market. In addition, Crossroads World Market is located along a major highway and separated some distance from similar establishments, whereas another liquor outlet is located next door to El Tapatio. Many members of the public (130 individuals) opposed the application of El Tapatio.

It also differs from the former Korean market on Foothill Boulevard in that a Use Permit was not required; it was exempt from the City's Alcoholic Beverage Outlet Regulations, having more than 10,000 square feet in area. The Planning Commission was asked only to make a finding for the Department of Alcoholic Beverage Control (ABC) that allowing the sale of alcoholic beverages at the Korean Market is necessary for the public convenience and welfare. Neither the Commission nor the Council could make a finding that it was necessary for the public convenience and welfare with the saturation of outlets in the downtown area, as there was no mechanism for imposing conditions of

approval (such as hours of operation, advertising, packaging) under which the market could operate if it were to sell alcoholic beverages.

Crossroads World Market is a unique market that provides specialty products not found all in one location in Hayward. Residents from surrounding cities and across the bay come to Crossroads World Market because they cannot find the products offered elsewhere. This is evidenced by the applicant's submission of the attached petition, which contained over 500 customer signatures. The zoning ordinance addresses liquor outlets quantitatively but not qualitatively, and, in staff's opinion, Crossroads World Market offers a limited product not duplicated elsewhere, enhancing the range of good available in Hayward. The availability of the alcoholic beverages from this location would be limited by both its operating hours, which are shorter than other alcoholic beverage establishments, and by the conditions of approval (restricting display and advertising).

The proposed project is categorically exempt from California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, Class 1 Existing Facilities. A public notice was mailed on January 28, 2002, to every property owner and occupant within 300 feet of the subject site, the Burbank and Jackson Triangle Task Force members and the Hayward Area Planning Association. Staff received only one response, which recommended against the proposed project.

Prepared by:

Carl Emura

Associate Planner

Recommended by

Sylyia Ehrenthal

Difector of Community and Economic Development

Approved by:

Jesús Armas, City Manager

Attachments: Exhibit A. Appellant's Letter Dated April 5, 2002

Exhibit B. Area Map of Alcoholic Beverage Outlets

Exhibit C. List of Alcohol Licenses Within Census Tract

Exhibit D. Findings and Conditions of Approval

Exhibit E. Planning Commission Meeting Minutes of March 28, 2002

Exhibit F. Letter from Hayward Citizens for Responsible Liquor Outlets

Exhibit G. Petition in Support of Alcohol Sales (Partial)

Draft Resolution

April 5, 2002

COMMPRE



22652 Second Street Hayward, CA 94541 (510) 247-8207 (510) 247-8210 fax



A program of Horizon Services, Inc.

Carl Emura, Planner
Department of Community and Economic Development
City of Hayward
777 B. Street
Hayward, CA 94541

Subject:

Appeal of the Planning Commission decision for a CUP to

allow alcohol sales at 230 Jackson St.

Dear Mr. Emura:

We would like to express our opposition to the March 28 decision by the Planning Commission approving a CUP to allow alcohol sales at Crossroads Market located at 230 Jackson St.

This address is located in census tract 4363, which is over concentrated with off-sale alcohol outlets. Currently, there are 9 off-sale active licenses, where 4 are allowed according to the California Alcoholic Beverage Control (ABC). In addition, both Country Liquors and West Coast Meat Market are within 500 feet of the proposed location. This violates the City of Hayward zoning ordinance that states that no new off-sale liquor establishment may be permitted within a radius of 500 feet of any other on-sale or off-sale liquor establishment.

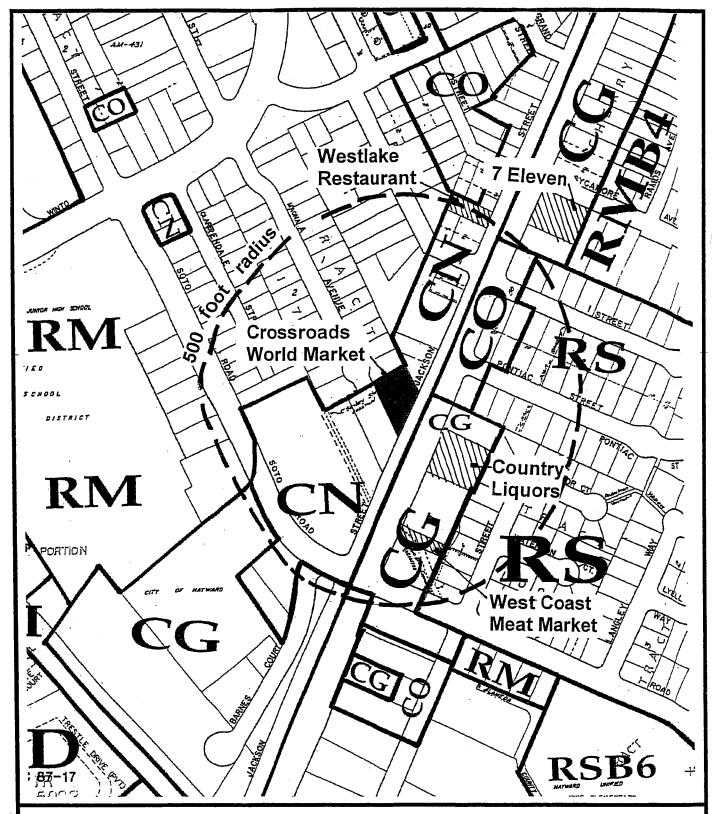
Recently, the Planning Commission denied a similar application for an off-sale alcohol license at El Tapatio, which is located in the same census tract as Crossroads Market. The application was denied based on the issues mentioned above. Therefore, we feel the Planning Commission's decision to approve the sale of alcohol at Crossroads Market was discriminatory.

Please advise us on how to proceed with an appeal to this city council on this matter.

Sincerely,

Thea Perrino

Prevention Specialist



Area Map/Map of Alcoholic Beverages

PL-2002-0025 UP

Address: 230 Jackson Street, North

Applicant: Hani Haddad

Owner: Hani Haddad & H. Banejad for Crossroads World Market

List of Alcohol Licenses Within Census Tract

_		Geo Dist		Type Status			Primary Name Prem Street Address	5	Mailing Address	
-	288673	0106 22	20	ACT	04-NOV-93	31-OCT-02	LIN ANTONY 147 JACKSON ST HAYWARD	CA 94544	WEST COAST MEAT COMPANY	Y
	297415	0106 22	21	ACT	08-SEP-94		DUONG HUNG VAN 201 JACKSON ST HAYWARD	CA 94544	COUNTRY LIQUORS	
	194500	0106 22	21	ACT	22-JAN-87	30-JUN-02	SAFEWAY INC 271 JACKSON ST HAYWARD	CA 94544	SAFEWAY INC 797 5918 STONERIDGE MALL PLEASANTON	CA 94588
	324934	0106 22	41	ACT	19-NOV-96	31-OCT-02	LEUNG HOP MING 320 JACKSON ST HAYWARD	CA 94544	WEST LAKE RESTAURANT	
*	360880	0106 22	20	ACT	10-JAN-00	30-JUN-02	7 ELEVEN INC 339 JACKSON ST HAYWARD		7 ELEVEN 2232 18825G P O BOX 2245 BREA	CA 92822
	328568	0106 22	41	ACT	16-APR-97	31-MAR-02	RIVERA GUILLERMO G 444 JACKSON ST HAYWARD	CA 94544	ANNAS COFFEE SHOP	
	292280	-0106 22	47	ACT	13-MAY-94	30-APR-02	LUNA JORGE ARTURO 467 JACKSON ST HAYWARD	CA 94544	MI COCINA & CANTINA	
	205390	0106 22	21	ACT	02-SEP-87	31-OCT-02	KIM HWA SOON 566 JACKSON ST HAYWARD	CA 94544		
	4735	0106 22	21	ACT		30-JUN-02	LONGS DRUG STORES 243 W JACKSON ST HAYWARD		LONGS DRUG STORE #053 P O BOX 5010 ANTIOCH	CA 94531

LICENSE TYPE DESCRIPTION OFF SALE BEER & WINE - (Package Store) Authorizes the sale of beer and wine for consumption off 20 the premises where sold. Minors are allowed on the premises. OFF SALE GENERAL - (Package Store) Authorizes the sale of beer, wine and distilled spirits for 21 consumption off the premises where sold. Minors are allowed on the premises. 41 ON SALE BEER & WINE - EATING PLACE - (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must make actual and substantial sales of meals, during the normal meal hours that they are open, at least five days a week. Normal mealtimes are 6:00 a.m. -ON SALE GENERAL - EATING PLACE - (Restaurant) Authorizes the sale of beer, wine and distilled 47 spirits for consumption on the licensed premises. Authorizes the sale of beer and wine for consumption off the licensed premises. Must operate and maintain the licensed premises as a bona fide eating place. Must make actual and substantial sales of meals, during the normal meal hours that they are open, at least five days a week. Normal mealtimes are 6:00 a.m. - 9:00 a.m., 11:00 a.m. - 2:00 p.m., and 6:00 p.m. - 9:00 p.m. Premises that are not open five days a week must serve meals on the days they are open. Minors are allowed on the premises.

FINDINGS FOR APPROVAL

Use Permit/ Variance PL -2002-0025 230 Jackson Street Hani Haddad (Applicant/Owner)

1. The proposed project is Categorically Exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15301, *Existing Facilities*.

Conditional Use Permit:

- 2. The proposed use is desirable for the public convenience and necessity. Crossroads World Market expands the diversity of uses along Jackson Street and serves both the neighborhood as well as the general public and enhances the character of the surrounding area. Specialty imported beers and wines would complement the specialty foods offered at this market, thereby providing a public convenience.
- 3. The proposed off-site sales of imported beer and wine at Crossroads World Market would not be detrimental to the public health, safety and general welfare. There are built-in mechanisms in the market's operations that deter the negative aspects associated with the sale of alcohol. The market is oriented to a select audience who are purchasing specialty items not commonly found in the local markets or alcoholic beverage outlets. The market is open for a limited number of hours and only a small area of the market would be devoted to the display of alcoholic beverages. No refrigerated alcoholic beverages will be sold which would discourage immediate consumption.
- 4. The market is in harmony with the City's policy and the intent and purpose of the CN District regarding the location of new off-sale alcoholic beverage outlets. The sale of alcoholic beverages at Crossroads Market is not proximate to, and will not detrimentally affect, any church, school, playground or park, or recreation center. The adjacent residential uses to the north are accessible from Winton Avenue, and not directly from Jackson Street or this property.
- 5. The other existing off-sale alcoholic beverage outlets within the 500-foot radius have operated without any criminal incidents.

Variance:

6. The variance does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity. The hours of store operation and the floor area allowed for display of alcoholic beverages is limited to a greater degree than other establishments.

7. The approval of this permit will not create an undue concentration of establishments dispensing alcoholic beverages in that the other establishments within 500 feet of the Crossroads Market are located on the southerly side of Jackson Street. The location of the market is unique as Jackson Street (State Route 92) provides a strong barrier separating the properties on either side of the highway, because of the median island and the limited cross access points. Therefore the proposal should be evaluated considering only outlets on the northerly side of Jackson Street. Based on this interpretation, there would be no alcoholic beverage outlets within 500 feet of Crossroads World Market.

CONDITIONS OF APPROVAL

Conditional Use Permit – PL-2002-0025 230 Jackson Street Hani Haddad (Applicant/Owner)

- 1. There shall be no on-site advertisement of the sale of alcoholic beverages visible from the exterior of the building.
- 2. Beer, malt beverages and wine coolers in containers of 16 oz. or less shall not be sold by single containers, but must be sold in manufacturer pre-packaged multi-unit quantities.
- 3. Wine shall not be sold in bottles or containers smaller than 750 ml. and wine coolers, beer coolers, or pre-mixed distilled spirit cocktails (if allowed by the license) must be sold in manufacturer pre-packaged multi-unit quantities.
- 4. Alcoholic beverages shall not be sold in a refrigerated, or otherwise cooled, condition.
- 5. The sale of products, other than beer and wine, measured by gross receipts on an annual basis, shall exceed the annual sale of beer and wine products, measured by gross receipts. Not more than 2.5 percent of the floor area of the store shall be devoted to the sale, display and storage of alcoholic beverages.
- 6. The permittee shall prominently post signs inside permittee's premises and adjacent to each entrance/exit door stating that the consumption of alcoholic beverages in public is prohibited by law pursuant to Section 4-2.10 of the Hayward Municipal Code.
- 7. The permittee and all employees engaged in the dispensing of alcoholic beverages shall attend Responsible Beverage Service training within 6 months of approval of this permit. Any employee hired after this permit is approved shall attend Responsible Beverage Service training within 6 months of his/her date of hire.
- 8. Any violation by the permittee or any employee of the premises of these conditions or of any rule or regulation issued by the Department of Alcoholic Beverage Control or any law concerning the sale and distribution of alcohol is cause for revocation of the permit before the duly authorized review body.
- 9. This permit becomes void one year from the effective date of approval unless prior to that time all conditions of approval have been met. A request for an extension must be submitted to the Planning Division no later than 15 days prior to the expiration date of this permit.

10. The operating hours of the market is limited to 10 am to 7 pm Monday thru Saturday, and 10 am to 5 pm Sunday.

not regulate health issues. She then indicated that she would change her mind and vote with the majority.

The motion carried by the following vote:

AYES:

COMMISSIONERS Sacks, Caveglia, Zermeño

CHAIRPERSON Halliday

NOES:

COMMISSIONER Bogue

ABSENT:

COMMISSIONERS Thnay, Williams

ABSTAIN: None

3. Use Permit/Variance PL-2002-0025 - Hani Haddad (Applicant/Owner): - Request for New Off-Sale Alcoholic Beverage Outlet Located Less Than 500 Feet from Another Outlet. The Property is Located at 230 Jackson Street (State Route 92) in the Neighborhood Commercial (CN) District

Associate Planner Emura described the property and the setting as well as the history of Crossroads World Market which is a specialty ethnic food store that recently moved to the Jackson Street location from a smaller space on Foothill near Mission. It carries food from about 30 different countries and cultures. Cal State Hayward did a marketing study for Mr. Haddad and determined that his customers would like his store to carry imported beers and wine. COMMPRE opposed the application because there are already nine off-sale liquor licenses in a census tract that supports four. The Police Department does not object to this application since it would provide a service which is substantially different from the other alcoholic beverage outlets. Staff is supportive of this application because it does not gear itself to sell to the mass market, the storage and display would not encourage immediate consumption since the product would not be refrigerated, the size of the area designated is limited as are the hours of operation. Associate Planner Emura commented that the 6-lane divided highway, Jackson Street, is wide enough along with its median, to create a boundary between the neighborhoods on either side of the highway. He added that the effective distance, to get from this market to the other liquor establishments across the street is greater than 500 feet.

Commissioner Caveglia suggested that although there is the suggestion of only a small amount of Greek wine and a few unrefrigerated beverages, once a liquor license is assigned, the City has no way to regulate that.

Assistant City Attorney Conneely responded that, although this statement is correct, however, if the applicant violates the condition of approval, the City could seek revocation of the use permit. She then added that were the business sold, the new owner would be subject to the conditions of approval.

Commissioner Caveglia noted that once an owner gets a license, it is difficult to revoke it.

Commissioner Sacks questioned the figures cited in the staff report regarding the area allowed in the store.

Commissioner Zermeño commented on the wines and beers listed on the report.



REGULAR MEETING OF THE PLANNING COMMISSION, CITY OF HAYWARD, Council Chambers

Thursday, March 28, 2002, 7:30 P.M. 777 "B" Street, Hayward, CA 94541

Associate Planner Emura responded that the store itself would dictate the quality and kind of product.

Chairperson Haliday noted that in none of the Conditions of Approval does it say that the product will be of an international origin.

Assistant City Attorney Conneely informed her that the Alcoholic Beverage Control Board would license for wine and beer.

Commissioner Caveglia suggested reading that a new restaurant coming into the area would also ask for permission to sell beer and wine.

Planning Manager Anderley indicated that technically the permit would be an off-sale. However, most restaurants sell alcoholic beverage with their meals rather than for carryout.

Commissioner Caveglia noted that recently the Planning Commission turned down the permit for an off-sale wine and beer license in another area that was over-satuated.

Commissioner Bogue asked for further clarification of the wording of one of the conditions regarding the size of the pre-mixed distilled spirit cocktails.

Planning Manager Anderley explained that "if allowed by the license" would mean whether these spirits would be allowed by the ABC under their licensing procedure.

The public hearing opened at 8:50 p.m.

Hani Haddad, Hayward, applicant, said he has lived in Hayward for almost 30 years. He asked himself why does he want to do business in Hayward. He noted that Crossroad Markets fits into the demographics of the City of Hayward, one of the most diverse cities of its size in the Country. He commented that their customer base has been drawn from throughout the Bay Area. Since moving into the new store on Jackson, they have expanded the store and are only missing international beers and wines to offer their customers. He noted that the built in mechanisms mentioned by staff would help to keep alcohol abuse to a minimum.

Diane Ferchel, Hayward, spoke very supportively of the Crossroad Markets. She noted that this store is a reflection of the diversity of the community. She described it as a cornucopia of good foods. She said Mr. Haddad has been a very responsible owner. The community has been enhanced by this market. She asked for approval of the application.

Larry Bendoski, Castro Valley, commented on his patronage of the Crossroad Markets throughout the years. He clarified that the amount of liquor that would be available would be very minor compared to the size of the store. He noted the number and variety of other items

Larry Bendoski, Castro Valley, commented on his patronage of the Crossroad Markets throughout the years. He clarified that the amount of liquor that would be available would be very minor compared to the size of the store. He noted the number and variety of other items available in the store.

Lore Warren, Hayward, spoke in support of Crossroad World Markets and the availability of German products. She commented on the German-American Festival held in Hayward each year which brings in thousands of people. She commented that Mr. Haddad is an asset to the City of Hayward. She asked for approval of the application.

Thea Perrino, COMMPRE, said they were asking for denial of the permit since it violates Hayward's ordinance for the number of liquor sales businesses in an area. She said that the staff report was trying to circumvent the ordinance. She reminded members that they had denied a permit to El Tapatio in the same census tract so to grant this permit would be discriminatory. There is no way of enforcing the condition of the type of product sold. She then asked for denial of the permit.

John Mallory, Hayward, speaking for a group called Hayward Citizens for Responsible Liquor Outlets, said his group had no objection to Mr. Haddid's application. They met with him and he was agreeable to their conditions. He commented that this is the most unique place that he has seen. He noted that his group keeps an eye on the places they have approved.

John Ostarello, Hayward, an Instructor at CSUH, used various examples of causal thinking and argued that this business should not be punished for the problems others have created. It should be treated like any other business.

The public hearing was closed at 9:15 p.m.

Commissioner Zermeño moved, seconded by Commissioner Sacks, to find the project categorically exempt from environmental review and approve the Conditional Use Permit and the Variance based on the findings and conditions of approval.

Commissioner Zermeño then discussed the value of the Market to the City of Hayward. He noted the variety of ethnic foods to serve such a diverse population.

Commissioner Bogue said he was not sure whether the conditions of approval could lock in regulations.

Assistant City Attorney Conneely said the type of license applied for by the applicant is the leading document for the type of liquor he can sell. She doubted if a condition limiting sales to only imported items would be enforceable. She also expressed concern that defining "specialty beer or wine" might be rather vague.

Commissioner Bogue then asked whether the floor area restriction, Condition 5, could be lowered from the 2.5 percent to further control the amount of liquor available.

Associate Planner Emura suggested that, instead of percentage, the Commission might be more



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Commissioner Caveglia suggested that consistency was important. The Commission has previously denied permission to a Korean Market on Foothill Boulevard to include wine and beer sales. He commented that clearly, this store will do fine without liquor sales. They have in the past and will continue to do so in the future. He said the issue is clear. We have an ordinance. We need to follow it. The hypocracy of alcohol and its sales and uses is laughable to young people. It makes a mockery of this. He would not vote for it.

Commissioner Sacks said she had conflicting feelings about this issue. She noted that she respects and appreciates COMMPRE a great deal. On the other hand, not every shop owner who sells wine or beer is a problem to the community. The safe guards are important, including the hours of operation.

Commissioner Zermeño commented that the 2.5 percent is not a large area.

Commissioner Bogue added a height limit to Condition 5., to read, "No higher than 7-feet." He commented that this is taller than the average door-way, and would probably be unsafe to have any more. This was accepted by the motion maker and seconder.

In response to Chairperson Halliday's question, Mr. Haddad said the 7-feet height would be plenty of space.

Chairperson Halliday added her comments with respect to COMMPRE. She noted that their comments are always worth hearing. She said she would agree with Jackson as the very wide divided road. She commented that there is only one real liquor store in the area. She noted that this is promoting the City of Hayward's multi-culturalism. She commented on the seriousness of the issue.

The motion carried by the following vote:

AYES:

COMMISSIONERS Sacks, Bogue, Zermeño

CHAIRPERSON Halliday

NOES:

ADDITIONAL MATTERS

COMMISSIONER Caveglia

ABSENT:

COMMISSIONERS Thnay, Williams

ABSTAIN: None

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4. Oral Report on Planning and Zoning Matters

Planning Manager Anderly noted that the two meetings scheduled for April will be on April 11th and April 25th.

5. Commissioners' Announcements, Referrals

DRAFT

Hayward Citizens for Responsible Liquor Outlets 22652 2nd Street Hayward, CA 94541



March 21, 2002

Richard Patenaude, Acting Principal Planner
Department of Community and Economic Development
City of Hayward
777 B Street
Hayward, California 94541

Subject: CUP to allow alcohol sales at 230 Jackson St.

Dear Mr. Patenaude:

We do not object to the CUP to allow alcohol sales at Crossroads Market located at 230 Jackson St.

Although this address is located in census tract 4363, which has an over concentration of off-sale alcohol outlets this business is unique to the area. There are no other businesses that offer the range of goods available at this business in the area. The owner, Hani Haddad, has stated he would be willing to accept conditions attached to the license.

We would like to request the following conditions: no single sales, no 40 oz. fortified and/or malt beverages, no refrigeration for the alcohol, no advertising of alcohol on the windows, and if license transferred the conditions would continue to apply to the new licensee.

If the above conditions are attached to the license, we have no objection to this license.

Sincerely,

Maureen C. Bessette for HCRLO

Moureen C Besutte

Cc: Hani Haddad, Linda Pratt

Petition in Support of Alcohol Sales

We the customers of Crossroads World Market ask the management to provide us with different kinds of specialty wines and beers from our homeland. This will make it available for us at a convenient location in Hayward. We greatly appreciate your support to our request.

	Name	T A 4 4	T	
	rame	Address	Telephone	Country of Origin
1	Biro	2940 Drvant ave	2247648	HUNGARY
2	Parus Sightin	24748 Woodace	183-6284	USa
3	George Paris	24748-WOODACRE AVE		
4	George Avram	7394 VIA FRANCES	437-4409	ROMANIA
5	Don Kedic	1234 Fake St.	582-2213	Canadia
ĺ	E. REILLY	26124 Roome Ave	887-5551	USA
7	GABRIELA	TAL WEST FUNET	732-1774	Romania
8	Moore, Louise	2523 DENNAMA CT	582-7898	USA
9	Harria Konstantin	1997 Agat Dr.	99374-7747	Grace
10	alexander Piley COSHIH LUHG	19088 Almond Rd	5105827143	70 F
[1		26939 WILISEAN AND	565810045	PGHAHIA.
12	Rosa Derbin	17360 Columbias	12 570 -88637	oy Russia
13	Ligit ASAN	1806 LAS RAMBRAS DA	125-368-1120	ROMANIA
14	AURA VASILESCU	780 OHK GROVE RS.	925-673-5042	ROMANIA
15	DANIEL AGONAFE	R SAN FRANCISCO	510-750-2761	ETTOPIA
	Diana Mexandre	c Belmont	6505938441	Buly aria
17	Stefan Stefanor	BELMONT 20362 SummerglemPL		BULGARIA
18			510-587-7868	Hungary
19	ELIA RICUPERO	3523 LAMESADR	510 8865137	HAYWARD
				1+ALY

DRAFT

•	RESOL	UTION 1	NO	_ `
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шис	oduced by	Connen	Member	

mal 5/17/02

RESOLUTION DENYING APPLICANT'S APPEAL OF THE PLANNING COMMISSION'S APPROVAL USE PERMIT/VARIANCE APPLICATION NO.2002-0025, CONCERNING A REQUEST TO ALLOW A NEW OFF-SALE ALCOHOLIC BEVERAGE OUTLET

WHEREAS, Use Permit/Variance Application No. 2002-0025 concerns a request to allow a new off-sale alcoholic beverage outlet located less than 500 feet from another outlet, located at 230 Jackson Street in a Neighborhood Commercial (CN) District; and

WHEREAS, On March 28, 2001, the Planning Commission (4:1) approved the use permit and variance application, pointing to the restricted hours, limited display area and no window advertising; and

WHEREAS, the City Council of the City of Hayward, hereby finds and determines that:

1. The proposed project is categorically exempt from the California Environmental Quality Act (CEQA) guidelines, pursuant to Section 15031, Existing Facilities.

Conditional Use Permit:

- 2. The proposed use is desirable for the public convenience and necessity. Crossroads World Market expands the diversity of uses along Jackson Street and serves both the neighborhood as well as the general public and enhances the character of the surrounding area. Specialty imported beers and wines would complement the specialty foods offered at this market, thereby providing a public convenience
- 3. The proposed off-site sales of imported beer and wine at Crossroads World Market would not be detrimental to the public health, safety and general welfare. There are built-in mechanisms in the market's operations that deter the negative aspects associated with the sale of alcohol. The market is oriented to a select audience who are purchasing specialty items not commonly found in the local markets or alcoholic beverage outlets. The market is open for a limited number of hours and only a small area of the market would be devoted to the display of

- alcoholic beverages. No refrigerated alcoholic beverages will be sold which would discourage immediate consumption
- 4. The market is in harmony with the City's policy and the intent and purpose of the CN District regarding the location of new off-sale alcoholic beverages at Crossroads Market is not proximate to and will not detrimentally affect, any church, school, playground or park, or recreation center. The adjacent residential uses to the north are accessible from Winton Avenue, and not directly from Jackson Street or this property.
- 5. The other existing off-sale alcoholic beverage outlets within the 500-foot radius have operated without any criminal incidents.

Variance

- 6. The variance does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity. The hours of store operation and the floor area allowed for display of alcoholic beverages is limited to a greater degree than other establishments.
- 7. The approval of this permit will not create an undue concentration of establishments dispensing alcoholic beverages in that the other establishments within 500 feet of the Crossroads Market are located on the southerly side of Jackson Street. The location of the market is unique as Jackson Street (State Route 92) provides a strong barrier separating the properties on either side of the highway, because of the median island and the limited cross access points. Therefore the proposal should be evaluated considering only outlets on the northerly side of Jackson Street. Based on this interpretation there would be no alcoholic beverage outlets within 500 feet of the Crossroads World Market.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward that, based upon the aforementioned findings, the appeal of the Planning Commission's approval of Use Permit/Variance Application No. 2002-0025, regarding a request to an allow off-sale alcoholic beverage outlet less than 500 feet from another outlet is hereby denied, and Use Permit/Variance Application No. 2002-0025 is granted subject to the Conditions of Approval.

IN COUNCIL, HAYWARD, CALIFORNIA, 2002
ADOPTED BY THE FOLLOWING VOTE:
AYES: CITY COUNCIL:
NOES: CITY COUNCIL:
ABSTAIN: CITY COUNCIL:
ABSENT: CITY COUNCIL:
ATTEST:
City Clerk of the City of Hayward
APPROVED AS TO FORM:
City Attorney of the City of Hayward